

TO: The Honorable Board of Supervisors

FROM: F. Craig Meadows, County Administrator  
L. Carol Edmonds, Assistant County Administrator

DATE: June 14, 2010

**SUBJECT: AGENDA REPORT**

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**I. CALL TO ORDER**

**II. INTO CLOSED MEETING**

BE IT RESOLVED, The Board of Supervisors hereby enters into Closed Meeting for the purpose of discussing the following:

Section 2.2-3711 (5) Discussion Concerning a Prospective Business or Industry or the Expansion of an Existing Business or Industry Where No Previous Announcement Has Been Made of the Business or Industry's Interest in Locating or Expanding Its Facilities in the Community.

Project # 2010004

(3) Discussion or Consideration of the Acquisition of Real Property for Public Purpose, or of the Disposition of Publicly Held Real Property Where Discussion in an Open Meeting Would Adversely Affect the Bargaining Position or Negotiating Strategy of the Public Body

1. Courthouse Property

(1) Discussion, Consideration or Interviews of Prospective Candidates for Employment; Assignment, Appointment, Promotion, Performance, Demotion, Salaries, Disciplining or Resignation of Specific Officers, Appointees or Employees of Any Public Body

1. Planning Commission  
2. Social Services Board

### **III. OUT OF CLOSED MEETING**

BE IT RESOLVED, The Board of Supervisors ends their Closed Meeting to return to Regular Session.

### **IV. CERTIFICATION OF CLOSED MEETING**

WHEREAS, The Board of Supervisors of Montgomery County has convened a Closed Meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3711 of the Code of Virginia requires a certification by the Board that such Closed Meeting was conducted in conformity with Virginia law.

NOW, THEREFORE, BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia hereby certifies that to the best of each member's knowledge (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion conveying the closed meeting were heard, discussed or considered by the Board.

VOTE

AYES

NAYS

ABSENT DURING VOTE

ABSENT DURING MEETING

### **V. INVOCATION**

### **VI. PLEDGE OF ALLEGIANCE**

**VII. DELEGATION**

**A. SUBJECT: VIRGINIA DEPARTMENT OF  
TRANSPORTATION**

**Virginia Department of Transportation**

David Clarke, VDOT Residency Administrator, will update the Board of Supervisors on road issues/concerns in Montgomery County.

**VIII. INTO WORK SESSION**

BE IT RESOLVED, The Board of Supervisors hereby enters into Work Session for the purpose of discussing the following:

1. Revenue Sharing Program ( TAB A )

**IX. OUT OF WORK SESSION**

BE IT RESOLVED, The Board of Supervisors ends their Work Session to return to Regular Session.

**X. PUBLIC ADDRESS**

**XI. ADDENDUM**

**XII. CONSENT AGENDA**

**XIII. OLD BUSINESS**

**A. SUBJECT: REMOVE FROM TABLE – OAK FOREST  
MHP, LLC – SPECIAL USE PERMIT  
AMENDMENT**

**REMOVE FROM THE TABLE  
SPECIAL USE PERMIT  
OAK FOREST MHP, LLC (AGENT: GAY & NEEL, INC.)  
FOR THE PURPOSE OF AMENDING A SPECIAL USE PERMIT APPROVED  
ON FEBRUARY 23, 2004 BY THE BOARD OF SUPERVISORS  
IN THE PRICES FORK MAGISTERIAL DISTRICT (DISTRICT E)  
PARCEL ID 016259; TAX MAP NUMBER 66-A-98**

BE IT RESOLVED, That the Board of Supervisors of the County of Montgomery, Virginia hereby removes from the table the request by Oak Forest MHP, LLC for an amendment to a Special Use Permit approved on February 23, 2009 by the Board of Supervisors for the property identified as parcel ID 016259, Tax Map Number 66-A-98 owned by Oak Forest MHC, LLC.

ISSUE/PURPOSE: Remove from the Table a request to amend a Special Use Permit approved on February 23, 2009.

JUSTIFICATION: At their March 23, 2009 meeting, the Board of Supervisors tabled the request in order for Oak Forest MHP, LLC to address concerns expressed by the Board.

Since the vote to table was unanimous, any Board member may make a motion to remove this item from the table.

**B. SUBJECT: SPECIAL USE PERMIT AMENDMENT  
OAK FOREST MHP**

**R-FY-10-  
SPECIAL USE PERMIT  
OAK FOREST MHP, LLC (AGENT: GAY & NEEL, INC.)  
FOR THE PURPOSE OF AMENDING A SPECIAL USE PERMIT APPROVED  
ON FEBRUARY 23, 2004 BY THE BOARD OF SUPERVISORS  
IN THE PRICES FORK MAGISTERIAL DISTRICT (DISTRICT E)  
PARCEL ID 016259; TAX MAP NUMBER 66-A-98**

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the Board of Supervisors does hereby amend and approve the Special Use Permit (SUP) for the property identified as parcel ID 016259, Tax Map Number 66-A-98 owned by Oak Forest MHC, LLC, that was previously approved on February 23, 2004 for Oak Forest MHC, LLC by the Board of Supervisors with the following conditions:

1. The previous Special Use Permit (SUP) approved February 23, 2004 is hereby repealed and replaced by this Special Use Permit.
2. This Special Use Permit (SUP) authorizes the build-out (expansion) of Oak Forest Mobile Home Park to a maximum of 214 units (18 additional) and construction will be in substantial conformance with the Conceptual Plans Titled "Oak Forest Mobile Home Park Conceptual Plan" consisting of sheets 1 through 3 by Gay and Neel,

Inc. dated 09/02/08, last revised 12/08/08(PLANS). Development shall comply with sheet 1 and with either sheet 2 or 3. Oak Forest MHC, LLC shall advise the zoning administrator prior to starting the improvements and obtaining building permits for any additional units whether construction will be in substantial compliance with sheets 1 and 2 or with sheets 1 and 3.

3. Final development plans complying with the above mentioned PLANS shall be approved by the zoning administrator prior to the issuance of building permits for the installation of mobile homes on new spaces.
4. A bus shelter shall be constructed and maintained by the developer as close as practicable to the intersection of the park access drive and High Top Road. The bus shelter shall be no less than ten (10) and no more than sixty (60) feet from the public right-of-way of Hightop Road. The bus shelter design shall be approved by the Montgomery County Public Schools. Off street parking shall be provided as shown on the PLANS. Additional recreation amenities and asphalt trails linking the bus shelter to the proposed parking and the overflow parking shall be constructed in accordance with the PLANS prior to any building permits being issued for the placement of any additional mobile home units.
5. The bus shelter shall generally be of block and frame construction with a shed style roof and enclosed on a minimum of three sides with materials that allows a clear view inside the bus shelter from all sides of the bus shelter. The shelter shall provide a minimum of 80 square feet of enclosed space and shall be constructed prior to any building permits being issued for the placement of any additional mobile homes..
6. The amenities as shown on the PLANS shall be constructed and maintained by the developer and approved by the zoning administrator prior to any building permits being issued for the installation of any new units approved under the SUP. These amenities include the proposed recreation amenities, trails, bus shelter, cross-walks, and off-street parking as shown on the PLANS.
7. Final development plans shall include fire hydrant locations. Hydrants shall be installed throughout the park so that no mobile home is more than 500 feet by road, from a hydrant, subject to engineering constraints. Fire protection shall be installed prior to the rental of any mobile homes over 186 units. Fire hydrants shall be tested and maintained by the Montgomery County PSA in accordance with Section 11(d) of the water and sewer regulations adopted August 4,

2008 as amended. All necessary fees for maintaining the hydrants shall be paid by property owner to Montgomery County PSA.

8. Oak Forest MHC, LLC shall pay any additional costs to increase the size of the current drainage pipe located under Merrimac Road (SR 657) upon replacement by the Virginia Department of Transportation (VDOT). The sizing of the pipe is to be determined by VDOT to adequately address drainage in the area. Oak Forest MHC, LLC shall provide any necessary drainage easements on property they own on either side of Merrimac Road as determined by VDOT to ensure proper drainage.
9. The existing detention pond within the park shall be restored to the original design conditions as described in plans dated March 7, 1986 and accompanying Erosion & Sediment Control Narratives. Storm water detention pond shall be maintained in accordance with the executed agreement, dated February 1, 2006 (Inst. No. 06001930).

The property is currently known as Oak Forest Mobile Home Park located on the northeast corner of the intersection of Hightop Road (SR 808) and Merrimac Road (SR 657), and is identified as Tax Parcel No(s). 66-A-98 (Acct No. 016259), in the Prices Fork Magisterial District (District E). The property currently lies in an area designated as Urban Expansion in the Comprehensive Plan.

ISSUE/PURPOSE: Approve amendment to Special Use Permit.

JUSTIFICATION: At their March 23, 2009 meeting, the Board of Supervisors tabled the request in order for Oak Forest MHP, LLC to address concerns expressed by the Board. Planning staff met with applicant to address the issues in the mobile home park expressed by the Board. As of May 14, 2010, all issues have been addressed. See TAB F for a copy of a summary outlining the concerns and corrective actions.

**C. SUBJECT: RESOLUTION OF SUPPORT FOR  
MONTGOMERY –FLOYD REGIONAL  
LIBRARY BOARD POLICY FOR NAMING  
FACILITIES, ROOMS AND OTHER ITEMS**

**R-FY-10-  
RESOLUTION OF SUPPORT  
MONTGOMERY-FLOYD REGIONAL LIBRARY BOARD  
POLICY FOR NAMING FACILITIES, ROOMS AND OTHER ITEMS**

WHEREAS, The Montgomery-Floyd Regional Library Board wishes to have a process to assist the Library Board with the recognition of individuals and groups in the naming of library buildings, rooms, spaces, areas or items within the libraries or around the library grounds; and

WHEREAS, The Montgomery-Floyd Regional Library Board, in consultation with the Boards of Supervisors for Montgomery County and Floyd County, is responsible for the naming of library buildings, rooms, and spaces within the library, outside areas around the libraries and items such as chairs, tables, etc. within the library; and

WHEREAS, The Montgomery-Floyd Regional Library Board has established terms for naming as follows:

- A building shall be the life of the building
- A room, space or area shall be until the building is renovated or the life of the building, whichever comes first
- A piece of furniture shall be for the life of that item; and

WHEREAS, The Montgomery-Floyd Regional Library Board has established two methods for naming as follows:

Capital Campaign Fund: In fund development for a new building or renovation, all contributions made to that fund will go toward the building being replaced or renovated. The Montgomery-Floyd Regional Library Foundation (MFRLF) will manage the funds raised in their pass-through account and all such funds will be designated.

Endowment Fund: An endowment fund for the library system was established in 2008 and is managed by the MRFLF to finance improved library services system-wide for years to come. All buildings, rooms, areas and furniture currently not named in an existing building are eligible to be named by donors to the MFRLF Endowment Fund, including individuals, families, organizations, civic groups, foundations and corporations.

NOW, THEREFORE, BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the Board of Supervisors supports the Montgomery-Floyd Regional Library Board's policy for the naming of library buildings, spaces or rooms within the library, outside areas around the libraries, and items such as chairs, tables, etc. within the library, as outlined above.

ISSUE/PURPOSE: Resolution supporting the Montgomery-Floyd Regional Library Board's policy for the naming of library buildings, spaces or rooms within the library, outside areas around the libraries, and items such as chairs, tables, etc. within the library

**D. SUBJECT: RESOLUTION TO ADOPT A POLICY FOR THE NAMING OF COUNTY BUILDINGS, FACILITIES, OR RECREATION AREAS IN MONTGOMERY COUNTY**

**R-FY-10-  
RESOLUTION ADOPTING A POLICY  
FOR NAMING OF COUNTY BUILDINGS, FACILITIES,  
OR RECREATION AREAS IN MONTGOMERY COUNTY**

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the Board of Supervisors hereby adopts the following policy for naming of County facilities:

See TAB **G** for the proposed policy.

ISSUE/PURPOSE: Adopt a policy on naming of County facilities.

JUSTIFICATION: To establish a systematic and consistent approach for the official naming of public facilities in Montgomery County. See TAB **G** for a copy of the draft policy.



#### **XIV. NEW BUSINESS**

- A. SUBJECT: RESOLUTION APPROVING THE REAL ESTATE SALES AGREEMENT BETWEEN R.P. FRALIN HOLDING COMPANY, LLC AND THE COUNTY OF MONTGOMERY, VA**

**R-FY-10-  
RESOLUTION APPROVING THE REAL ESTATE SALES AGREEMENT  
BETWEEN R. P. FRALIN HOLDING COMPANY, LLC AND  
THE COUNTY OF MONTGOMERY, VIRGINIA**

BE IT RESOLVED, By the Board of Supervisors of the County of Montgomery, Virginia that the Board of Supervisors hereby agrees to the Real Estate Sales Agreement between R. P. Fralin Holding Company, LLC and the County of Montgomery, Virginia dated June 14, 2010, for the County's purchase of the property located at 1 Roanoke Street, Christiansburg, Virginia.

BE IT FURTHER RESOLVED, By the Board of Supervisors of the County of Montgomery, Virginia that the Board of Supervisors hereby authorizes Annette S. Perkins, Chair, to execute the Real Estate Sales Agreement on behalf of the County of Montgomery, Virginia.

ISSUE/PURPOSE: Approve a Real Estate Sales Agreement and authorize the Chair to execute the Agreement.

JUSTIFICATION: To enter into a Real Estate Sales Agreement with R. P. Fralin Holding Company, LLC for property located at 1 Roanoke Street, Christiansburg, Virginia.

- B. SUBJECT: FY 2010-2011 BUDGET APPROPRIATION**

**A-FY-11  
RESOLUTION OF APPROPRIATION  
FY 2010-2011 BUDGET**

See TAB H for a copy of the FY 2010-2011 Budget Appropriation.

ISSUE/PURPOSE: Appropriate the FY 2010-2011 budget.

**C. SUBJECT: AUTHORIZATION TO PICK-UP THE  
EMPLOYEE'S CONTRIBUTION TO VRS  
FOR PLAN 2 EMPLOYEES**

**R-FY-10-  
AUTHORIZATION TO PICK-UP THE  
EMPLOYEE'S CONTRIBUTION TO  
VRS FOR PLAN 2 EMPLOYEES**

WHEREAS, The Virginia General Assembly, in its 2010 session passed legislation creating a separate retirement plan for employees hired on or after July 1, 2010 (hereinafter referred to as "Plan 2 Employees"); and

WHEREAS, The legislation stipulates that Plan 2 Employees will pay their 5 percent member contribution and that, absent other action by the employer, such contribution will be paid through salary reduction according to Internal Revenue Code § 414 (h) on a pre-tax basis; and

WHEREAS, The legislation allows certain employers, including the County of Montgomery, Virginia to pick-up and pay all or a portion of the member contributions on behalf of its Plan 2 Employees as an additional benefit not paid as salary; and

WHEREAS, The election to pick-up and pay all or a portion of the member contributions on behalf of its Plan 2 Employees as an additional benefit not paid as salary shall, once made, remain in effect for the applicable fiscal year (July 1 – June 30) and shall continue in effect beyond the end of such fiscal year absent a subsequent resolution changing the way the 5 percent member contribution is paid; and

WHEREAS, Employee contributions that are picked-up as an additional benefit not paid as salary are not considered wages for purposes of VA Code §51.1-700 et seq. nor shall they be considered salary for purposes of VA Code §51.1-100 et seq.; and

WHEREAS, The County of Montgomery, Virginia desires to pick-up and pay its Plan 2 Employees' member contributions to VRS as an additional benefit not paid as salary in an amount equal to 5% of creditable compensation; and

WHEREAS, VRS tracks such picked-up member contributions and is prepared to treat such contributions as employee contributions for all purposes of VRS.

NOW, THEREFORE, BE IT RESOLVED, That effective the first day of July 2010 the County of Montgomery, Virginia shall pick-up member contributions of its Plan 2 Employees to VRS as an additional benefit not paid as salary in an amount equal to 5% of creditable compensation subject to the terms and conditions described above.

BE IT FURTHER RESOLVED, That such contributions, although designated as member contributions, are to be made by the County of Montgomery, Virginia in lieu of member contributions.

BE IT FURTHER RESOLVED, That nothing herein shall be construed so as to permit or extend an option to VRS members to receive the picked-up contributions made by the County of Montgomery, Virginia directly instead of having them paid to VRS.

ISSUE/PURPOSE: Continue VRS employer paid contribution.

JUSTIFICATION: The Virginia General Assembly, in its 2010 session passed legislation creating a separate retirement plan for employees hired on or after July 1, 2010, referred to as "Plan 2" employees. The legislation amended VA Code § 51.1-144 to provide that Plan 2 employees will pay their 5 percent member contribution and that, absent other action by the employer, such contribution will be paid through salary reduction according to Internal Revenue Code § 414 (h). Internal Revenue Code § 414 (h) provides that a governmental employer may "pick-up" mandatory employee contributions and thereby cause the contributions to be made on a pre-tax basis. The formal written action required by Internal Revenue Code § 414 (h) to effect the pick-up has been taken by the General Assembly with the Governor's signature.

The legislation also permits each county, city, town, local public school board or other local employer to pick-up, in whole or in part (in 1% increments), the 5 percent member contribution as an additional benefit not paid as salary. The employer's optional payment of the 5 percent member contribution may be phased in over a period approved by the VRS Board not to exceed 6 years and may only be made on a uniform basis for all its Plan 2 employees.

This resolution continues the County's same benefit policy of covering the 5% VRS employee share payment for employees hired after July 1, 2010.

**D. SUBJECT: CHRISTIANSBURG VOLUNTEER RESCUE SQUAD – ESTABLISHED INDEPENDENT RESCUE SQUAD FOR RINER STATION**

**R-FY-10  
RESOLUTION APPROVING THE ESTABLISHMENT OF AN  
INDEPENDENT RESCUE SQUAD  
IN THE RINER AREA OF MONTGOMERY COUNTY, VIRGINIA**

WHEREAS, Currently the Christiansburg Rescue Squad operates a satellite rescue squad station in the Riner area; and

WHEREAS, The Montgomery County Fire and Rescue Commission has made a request to the County Administrator that a rescue squad independent of the Christiansburg Rescue Squad be formed to serve the Riner area of the County of Montgomery; and

WHEREAS, Section 15.2-955 of the Code of Virginia states that no volunteer rescue squad shall be established in any locality without prior approval of the governing body; and

WHEREAS, The Board of Supervisors of the County of Montgomery, Virginia support the creation of a rescue squad in the Riner area independent of the Christiansburg Rescue Squad.

NOW, THEREFORE, BE IT RESOLVED, By the Board of Supervisors of the County of Montgomery, Virginia, that the Board of Supervisors hereby approves of the formation of a volunteer rescue squad in the Riner area of Montgomery County independent of the Christiansburg Rescue Squad.

BE IT FURTHER RESOLVED, By the Board of Supervisors of the County of Montgomery, Virginia that the Board of Supervisors hereby directs and authorizes the County Administrator to appoint an advisory oversight committee consisting of three appointees who shall oversee both the creation of the new Rescue Squad in the Riner area independent of the Christiansburg Rescue Squad and the transition of service from the Christiansburg Rescue Squad to the new Riner area Rescue Squad.

ISSUE/PURPOSE: Approve the formation of a volunteer rescue squad in the Riner area of Montgomery County independent of the Christiansburg Rescue Squad.

JUSTIFICATION: The Montgomery County Fire & Rescue Commission recommended that the "Riner Station", a Christiansburg Rescue Squad Satellite Station, should begin the process of becoming independent from the Christiansburg Rescue Squad (CRS). This resolution supports the creation of a rescue squad in Riner independent of CRS. See TAB I for a copy of the Montgomery County Fire & Rescue Commission's resolution approving a plan of work for the transitional process to make the Riner Station an independent rescue squad.

E. SUBJECT: **MEMORANDUM OF UNDERSTANDING  
BETWEEN THE VIRGINIA DEPARTMENT  
OF STATE POLICE AND THE COUNTY OF  
MONTGOMERY, VIRGINIA**

**R-FY-10-  
RESOLUTION APPROVING A MEMORANDUM OF UNDERSTANDING BETWEEN  
THE VIRGINIA DEPARTMENT OF STATE POLICE AND THE COUNTY OF  
MONTGOMERY VIRGINIA TO ALLOW MONTGOMERY COUNTY TO LOCATE  
AND OPERATE A 100 FT COMMUNICATIONS TOWER ON VIRGINIA STATE  
POLICE PROPERTY LOCATED ON POOR MOUNTAIN**

WHEREAS, Montgomery County wishes to enter into a Memorandum of Understanding with the Virginia State Police to allow Montgomery County to operate a communications facility on the property owned by the Virginia State Police located on Poor Mountain; and

WHEREAS, The Virginia State Police has agreed to allow Montgomery County to locate a 100' communications tower on their site on Poor Mountain where they currently have a 205' lattice tower; and

WHEREAS, The 100' tower will be used for radio repeaters for the Christiansburg Fire Department, Christiansburg Rescue Squad, Elliston Fire Department, Shawsville Rescue Squad, Montgomery County Sheriff, Blacksburg Rescue Squad, and Montgomery County Public Schools; and

WHEREAS, Montgomery County will not be required to make any monetary payment in the form of rent; and

WHEREAS, Montgomery County will pay all installation charges and all costs of servicing and maintaining its own equipment and assist with maintaining the access road to the Poor Mountain Site.

NOW, THEREFORE, BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the Board of Supervisors hereby approves the Memorandum of Understanding (MOU) between the County of Montgomery, Virginia and the Virginia State Police to allow Montgomery County to locate and operate a communications facility, subject to local land use approval, on the property owned by the Virginia State Police on Poor Mountain.

BE IT FURTHER RESOLVED, The Board of Supervisors authorizes F. Craig Meadows, County Administrator, to execute the MOU on behalf of Montgomery County.

ISSUE/PURPOSE: Authorization to execute an MOU between Montgomery County and the Virginia State Police to allow Montgomery County to locate a 100' communications tower on Virginia State Police property on Poor Mountain.

JUSTIFICATION: The proposed 100' tower will be used for radio repeaters for the Christiansburg Fire Department, Christiansburg Rescue Squad, Elliston Fire Department, Shawsville Rescue Squad, Blacksburg Rescue Squad, Montgomery County Sheriff's Office, and the Montgomery County Public Schools. See TAB J for a copy of the MOU.

## **XV. COUNTY ATTORNEY'S REPORT**

## **XVI. COUNTY ADMINISTRATOR'S REPORT**

1. Yates Property Donation ( TAB K )
2. New River Paddle Craft Fishing Tournament ( TAB L )
3. NACo Prescription Drug Program

## **XVII. BOARD MEMBERS' REPORT**

1. Supervisor Muffo
2. Supervisor Creed
3. Supervisor Brown
4. Supervisor Marrs
5. Supervisor Biggs
6. Supervisor Politis
7. Supervisor Perkins

## **XVIII. OTHER BUSINESS**

## **XIX. ADJOURNMENT**

### **FUTURE MEETINGS**

Adjourned Meeting  
Monday, June 28, 2010  
6:00 p.m. – Closed Meeting Items  
7:15 p.m. Regular Agenda

Regular Meeting  
Monday, July 12, 2010  
6:00 p.m. – Closed Meeting Items  
7:15 p.m. Regular Agenda

Adjourned Meeting  
Monday, July 26, 2010  
6:00 p.m. – Closed Meeting Items  
7:15 p.m. Regular Agenda